

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Dr. J. Alexander Marchosky Art Unit 3626
Serial No. 09/910,190
Filed July 19, 2001
Confirmation No. 1527
For PATIENT-CONTROLLED AUTOMATED MEDICAL RECORD, DIAGNOSIS, AND
TREATMENT SYSTEM AND METHOD
Examiner Vanel Frenel

March 8, 2008

DECLARATION OF PRIOR INVENTION UNDER 37 C.F.R. §1.131

I, Dr. J. Alexander Marchosky, declare as follows:

1. I am the sole inventor and owner of the subject matter claimed in the above-entitled United States Patent Application Serial Number 09/910,190 ("the '190 application"). The '190 application claims priority to U.S. Provisional Serial Number 60/219,773 ("the '773 application"), of which I am the sole inventor and owner.

2. I am submitting this Declaration to establish conception of the invention in the United States of the subject matter recited in pending claims 1, 14 and 49 of the '190 application prior to February 22, 2000, the earliest priority date of U.S. Patent No. 6,463,417 (Schoenberg), coupled with diligence from prior to such date to the filing date of the '773 application.

3. I was not aware of U.S. Patent No. 6,463,417 (Schoenberg) prior to the filing of the '773 application.

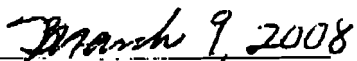
4. Exhibit A, attached hereto, provides facts and evidence in support of this Declaration. Exhibit A is my invention

disclosure disclosing the subject matter of my present invention embodied in pending claims 1, 14 and 49 in the '190 application. While all dates identified in the disclosure of Exhibit A have been blocked out, the date on which I prepared this invention disclosure, which is after my date of conception, is prior to February 22, 2000.

5. I worked with my legal counsel in the preparation of the '190 application from before February 22, 2000 until the filing of the '773 application on July 20, 2000. I received a drafted set of claims from legal counsel in a letter dated November 19, 1999, a first draft of the application in a letter dated April 17, 2000 and a second draft of the application in a letter dated July 11, 2000. I reviewed each draft and provided feedback and answers to questions in an attempt to place the application in form for filing.

6. I further declare that all statements made herein are of my own knowledge and are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.


Dr. J. Alexander Marchosky


Date